

DETAILED ACTION

Response to Amendment

1. Claims 1-6, 8-16, 44-52, 54-61 are rewritten by incorporating the allowable subject matter of claims 7, 8 and 53 accordingly.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronni Jillions November 23, 2009.

The application has been amended as follows:

- Claim 1, line 2, "**operable to**" has been replaced with -- **configured to** --
- Claim 2, line 2, "**operable to**" has been replaced with -- **configured to** --
- Claim 11, line 2, "**operable to**" has been replaced with -- **configured to** --
- Claim 46, last line, an extra period "." has been removed
- Claim 47, last line, an period "." has been added

Response to Arguments

3. Applicant's arguments, see page 10, filed 8/6/2009, with respect to claims 3, 7, 8, 11-13, 46-61 have been fully considered and are persuasive since the claims are amended accordingly. The claims objections of claims 3, 7, 8, 11-13, 46-61 have been withdrawn.
4. Applicant's arguments, see pages 10-11, filed 8/6/09, with respect to claims 1-6, 8-16, 44-52, 54-61 have been fully considered and are persuasive since they have been rewritten by incorporating the allowable subject matter of claim 7, 8 and 53. The rejections of 1-6, 8-16, 44-52, and 54-61 have been withdrawn.

Allowable Subject Matter

5. Amended claims 3, 7, 8, 11-13, 46-61 are allowed.

Amended claim 48 is allowable over U.S.C 101 under In Re Bilski 88 USPQ2d 1385, since amended method claim 48 recites, *inter alia*, "receiving an electrical, RF, or IR signal encoded with data coming from a first communication system and addressed to a second communication system". While the claims recite a series of steps or acts to be performed (i.e. receiving step), a statutory "process" under 35 U.S.C. 101 must be tied to another statutory category such machine (i.e. a second communication system). Thus, the claim passes the machine "M" test. The claim also discloses "transmitting the generated multi-frequency acoustic signal to a second acoustic transducer", which is a meaningful transformation. Thus, the claim also passes the transformation "T" test. Thus, claim 48 is also statutory under 35 U.S.C. 101.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN N. MOORE whose telephone number is (571)272-3085. The examiner can normally be reached on 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ian N. Moore
Primary Examiner
Art Unit 2463

/Ian N. Moore/
Primary Examiner, Art Unit 2463